



***Internal Meeting/Briefing Request Form for
Administrator Gina McCarthy***

Today's Date: 12/16/15

Requesting Office: EPA Region 10 and OSRTI

Title of the Meeting: Portland Harbor Superfund Site Cleanup

Purpose: Review options and recommendation for completion of the Feasibility Study (FS), in light of the goal to sign the Record of Decision (ROD) in 2016.

Role of the Administrator: The Administrator will sign the Record of Decision. The agency is deciding how to complete the FS while staying on the current schedule for signing the ROD in December 2016. This briefing will inform her of options and recommendation for completing the FS and the associated legal and political risks.

Background: The Administrator was briefed on July 22, 2015 and September 8, 2015 on the background of the site and the status of the FS. Since that time the site was reviewed by the National Remedy Review Board and Contaminated Sediments Group on November 18-19, 2015. Advisory recommendations of the Boards will be completed by the end of this month. Jim Woolford and Dennis McLerran are holding Government to Government Consultations with six Federally Recognized Tribes in January and February, 2016. We anticipate issuing the Proposed Plan in April and the ROD by the end of December, 2016.

Ten potentially responsible parties (known as the Lower Willamette Group) agreed to perform the RI/FS in 2001 under an Administrative Settlement and Order on Consent (AOC). The FS submitted by the Lower Willamette Group in 2012 was reviewed and determined to be inadequate for remedial decision making. It has been subsequently modified by EPA and its partners. EPA's draft modifications were provided to the Lower Willamette Group and other stakeholders in August, 2015 and were subsequently posted on the EPA Portland Harbor website. EPA's project team has received comments and information and now has the necessary information to finalize the FS.

To stay on the ROD schedule, the FS needs to be finalized no later than mid-February, 2016. In light of the goal to sign the ROD by December, 2016, regional and headquarters attorneys developed and analyzed several enforcement options under the AOC with the Lower Willamette Group for completing and producing the FS. Dennis McLerran, Jim Woolford and Cyndy Mackey narrowed the list down to two options. First, EPA can finalize the FS without asking the Lower Willamette Group to do it, or EPA could direct the Lower Willamette Group to incorporate EPA's modifications. The AOC also contains a dispute resolution process that the Lower Willamette Group may choose to use under certain circumstances. Both options have political and legal risks. The attached options paper describes the options, ramifications on the site schedule and the pros and cons.

NOTE: All OA Special Assistant's must be CC on all requests to the Administrator's Scheduling Office. All briefing material must be sent to briefings@epa.gov 72 hours before the scheduled meeting. Failure to comply will result in the meeting being rescheduled at the Director of Scheduling and Advance's discretion.

Last possible date for the meeting: December 24.

Is the meeting urgent and if so, why? This decision is important and critical to our schedule to issue the Proposed Plan in April, 2106 and sign the ROD in December 2016.

Requested Time Length: 30-45 minutes

EPA Staff (Required): Dennis McLerran, Jim Woolford, Cyndy Mackey

EPA Staff (Optional): Cami Grandinetti, Sheila Fleming, Kristine Koch, Lori Cora, Stephanie Ebright, Dana Stalcup, Doug Ammon, Silvina Fonseca, Amy Legare, Davis Zhen, Deborah Robinson, Anne Christopher, Eva DeMaria, Sean Sheldrake, Elizabeth Allen, Alanna Conley, Marianne Holsman, Mark MacIntyre, Bill Dunbar

Teleconference Required? Yes

Video Conference Required? VTC if on 12/15 or 12/16; phone line for the 18th or later (the RA is not available on the 17th, unfortunately we cannot change that)

Point of Contact for the Meeting:

R10 POC: Matt Magorrian or Kendra Tyler 206-553-1234

Subject POC: Cami Grandinetti/R10 206-553-8696

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